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5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 LAURA MARY NASTASE,)
8)
9 Plaintiff,) CASE NO. C09-1015-RSM-BAT
10)
11 v.)
12) REPORT AND
13 FEDERAL WAY MUNICIPAL COURT, et al.,) RECOMMENDATION
14)
15 Defendants.)
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24 Plaintiff Laura Mary Nastase, who is currently incarcerated at the King County Regional
25 Justice Center, is proceeding *pro se* and *in forma pauperis* in this action brought under 42 U.S.C.
26 § 1983. After initially reviewing plaintiff's complaint, the Court issued an order dated July 23,
27 2009, declining to serve the complaint because of the following deficiencies: (1) plaintiff failed to
28 identify the constitutional or federal statutory rights she alleges were violated, (2) plaintiff failed to
29 identify how each defendant caused or personally participated in causing the harm alleged in the
30 complaint, (3) plaintiff failed to identify a municipal custom or policy that caused the harm alleged
31 in the complaint, and (4) plaintiff named defendants who appear to be immune to suit for damages
32 under § 1983. Dkt. 7. The Court granted petitioner leave to file an amended complaint correcting
33 the deficiencies, but advised plaintiff that failure to file an amended complaint within 30 days of the
34 order declining to serve would subject her case to dismissal.

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Petitioner has not filed an amended complaint. Instead, she submitted a letter to the Clerk dated August 5, 2009, stating that she wished to close this case and file a new complaint concerning a different matter. Dkt. 8; *see also* Nastase v. Sanders, Case No. 09-1138-RAJ-BAT.

For the reasons outlined in the Court's previous order, and in light of the fact that petitioner has failed to cure the stated deficiencies and has stated that she wishes to close this case, the Court recommends that plaintiff's complaint and this case be **DISMISSED** without prejudice. A proposed order accompanies this Report and Recommendation.

DATED this 27th day of August, 2009.

s/ BRIAN A. TSUCHIDA
United States Magistrate Judge